

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA**

UNITED STATES OF AMERICA,

Plaintiff,

v.

ALCAN INC.,
ALCAN ALUMINUM CORP.,
PECHINEY, S.A., and
PECHINEY ROLLED PRODUCTS, LLC,

Defendants.

)
)
) Case No. 1:03 CV 02012-GK
)
)
)

) Judge Gladys Kessler
)

) DECK TYPE: Antitrust
)
)
)
)
)
)
)

**STIPULATED ORDER REGARDING THE COURT'S CONSIDERATION
OF THE PROPOSED FINAL JUDGMENT AND THE STATE OF WEST
VIRGINIA'S PENDING MOTION TO INTERVENE OR TO APPEAR
AS AN AMICUS CURIAE AND FOR AN EVIDENTIARY HEARING**

WHEREAS plaintiff, defendants, and the State of West Virginia represent that a short postponement of the Court's consideration of whether entry of the proposed Final Judgment is in the public interest and the State of West Virginia's pending motion would not result in unreasonable delay; and

WHEREAS the Court held a status conference today with representatives of the parties and the State of West Virginia, and during a sealed hearing (with the parties alone) received a satisfactory explanation of the parties' reasons for this Stipulated Order;

IT IS HEREBY STIPULATED AND AGREED by and between the undersigned parties and the State of West Virginia, subject to approval and entry

by the Court, and without prejudice to any aspect of plaintiff's, defendants', or West Virginia's legal position in this matter, that until after June 1, 2004:

- A. Pechiney's Brazing Sheet Business will not be sold to any Acquirer pursuant to the terms of the proposed Final Judgment pending in this case (*see* Final Judgment, §§ II(E), IV, and V);
- B. The Court will not conduct a hearing or rule on the State of West Virginia's pending motion; and
- C. Neither plaintiff nor defendants will move the Court to enter, and the Court will refrain from entering, the proposed Final Judgment.

Dated: April 22, 2004.

Respectfully submitted,

FOR PLAINTIFF
UNITED STATES OF AMERICA

FOR DEFENDANTS ALCAN INC.,
ALCAN ALUMINUM CORP.,
PECHINEY, S.A., and PECHINEY
ROLLED PRODUCTS LLC

/s/
Anthony E. Harris, Esquire
Illinois Bar #1133713
U.S. Department of Justice
Antitrust Division, Litigation II Section
1401 H Street, NW
Suite 3000
Washington, DC 20530
Telephone: (202) 307-6583

/s/
Michael Miller, Esq.
New York Bar # MM1154
Sullivan & Cromwell LLP
125 Broad Street
New York, NY 10004-2498
Telephone: (212) 558-4417

FOR MOVANT THE STATE OF WEST
VIRGINIA

/s/

Andrew G. Fusco, Esq.
West Virginia Bar # 1317
Special Assistant Attorney General
Eckert Seamans Cherin &
Mellot, PLLC
2400 Cranberry Square
Morgantown, WV 26508-9209
Telephone: (304) 594-1000

Edward J. Longosz, II, Esq.
DC Bar # 368932
Eckert Seamans Cherin & Mellot, LLC
1747 Pennsylvania Avenue, NW
Suite 1200
Washington, DC 20006
Telephone: (202) 659-6619

ORDER

IT IS SO ORDERED by the Court, this ____ day of _____ 2004.

United States District Judge